

REMARKS

Claims 2-22 are pending in this application. Claims 2-5, 10-12, and 14-22 are withdrawn from consideration. In light of the remarks contained herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 6-9 and 13 under 35 U.S.C. § 103(a) as being unpatentable over *Banton* (USP 6,048,117) in view of *Furuya* (USP 6,297,873). Applicants respectfully traverse this rejection.

Applicants respectfully note that the *Furuya* patent issued on October 2, 2001, based on a patent application filed June 7, 1999. As such, *Furuya* only qualifies as prior art under 35 U.S.C. § 102(e). Applicants further respectfully note that the present application is based on an application filed November 8, 2000. As the *Furuya* patent is commonly assigned to Fuji Photo Film Co., Ltd. and was commonly assigned at the time the present invention was made, Applicants respectfully submit that *Furuya* does not qualify as prior art based on the provisions set forth under 35 U.S.C. § 103(c). As *Furuya* is not prior art, Applicants respectfully request that the outstanding rejection be withdrawn.

Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: August 17, 2005

Respectfully submitted,

By 

D. Richard Anderson

Registration No.: 40,439

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Rd

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant